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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,545	03/09/2001	Stanislaus Pietrucha JR.	2008-00100	7312
23505	7590	09/20/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,545

Applicant(s)

PIETRUCHA ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 153-214 is/are pending in the application.
- 4a) Of the above claim(s) 153-178 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 179-214 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 186, 190 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 186 is indefinite because it recites that the category "may comprise".

Claim 190 is indefinite because it is not clear whether "individually purchasable" means that the features can be bought separate from a package, but still only with a plan, or that the features can be bought entirely individually, without buying a plan.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 179-214 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinley (2001/0044743) in view of LetsTalk.com.

McKinley shows maintaining a database comprising product or service offerings available to a geographic location; generating a summary of one or more product or service offerings available from one or more providers available to the location; and transmitting the summary. McKinley does not show that offerings in a plurality of categories are maintained; presenting the user with the offering categories; or receiving

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a selection of a category. LetsTalk shows maintaining offerings in a plurality of categories (e.g., wireless service plans, pagers, and wireless phones); presenting the user with the offering categories; and receiving a selection of a category. It would have been obvious to one of ordinary skill in the art to modify the method of McKinley as taught by LetsTalk in order to allow the user more choices, and to provide for greater revenue by selling a greater variety of services and products.

As to claim 198, it is noted that cell service plans, pagers, and cell phones are have a geographic area in which they are sold (e.g., a phone designed for use with Cellular One is only sold in that company's service area).

Alternatively as to claim 198, McKinley in view of Letstalk show all elements except for the product plans being sold only in geographic areas. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley such that the product plans have a geographic area in order to avoid selling equipment that will not work in an area.

As to claims 179-183, 186-189, 193-197, 199-202, 205-207, 210-214

As to claims 184, 185, 203 and 204, McKinley in view of LetsTalk shows all elements of the claim except that the user can manage a user service account to perform at least pay for the service. However, it is notoriously old and well known in the art to allow a user to manage his account enabling him to pay for the service. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by allowing a user to manage his account, enabling him to pay for the service

in order to increase customer satisfaction through added convenience, and to further facilitate getting paid for the service.

As to claim 190, McKinley in view of LetsTalk shows storing and manipulating information regarding plans, packages, and features, wherein the plans are the base offerings, the package is a collection of features purchasable together, and the feature indicates an augmentation to the base plan (e.g., a cell phone plan; a cell phone plan package having the plan and a leather case for a phone; and features comprising accessories which are augmentations to the plans that are purchasable individually.)

As to claims 191 and 208, McKinley in view of LetsTalk shows all elements of the claim except providing an account for providing customization elements. However, to do so is notoriously old and well known in the art (e.g., as in Tobin). It would have been obvious to one of ordinary skill in the art to do so in order to increase traffic to the site via additional portals to the customized site.

As to claims 192 and 209, McKinley in view of LetsTalk shows all elements except providing an account for tracking usage. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by providing an account for tracking usage in order to provide feedback to the providers, allowing them to gauge customer desires and craft better service plans.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is 571-272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

Steven B. McAllister  
Primary Examiner  
Art Unit 3627

**STEVE B. MCALLISTER**  
**PRIMARY EXAMINER**